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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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10 T.R. and ERICA SMITH,)
11 vs.) NO: CV06-01541-RSL
12)
13 FEDERAL WAY SCHOOL DISTRICT and) DECLARATION OF CARLA CURIO
14 VALLEY CITIES COUNSELING and) IN SUPPORT OF DEFENDANT
CONSULTAION,) VALLEY CITIES COUNSELING &
15) CONSULTATION'S MOTION FOR
Defendants,) SUMMARY JUDGMENT
16) PURSUANT TO FRCP 56
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I, Carla Curio, declare under penalty of perjury of the laws of the State of Washington as follows:

1. I am over 18 years of age, am competent to testify and make this declaration based on personal knowledge.
2. I am a therapist for Valley Cities Counseling and Consultation and in that capacity provided professional services to the plaintiff TR.
3. In providing therapy for TR during a portion of the 2005-2006 school year I traveled to Mirror Lake Elementary School in the Federal Way School District

25 DECLARATION OF CARLA CURIO - 1
CV06-1541-RSL

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1 and picked up TR and transported him from the school to Valley Cities' offices
2 for therapy, often then transporting TR from Valley Cities' offices to his home
3 or the home of a relative.

4 4. Understanding that there was a revocation of a release of information by TR's
5 mother, Erica Smith to the Mirror Lake Elementary School/Federal Way School
6 District, I did not disclose any protected health information concerning TR
7 following my notice of the revocation.

8 5. In picking up TR at the Mirror Lake Elementary School I necessarily had
9 contact with Mirror Lake Elementary/Federal Way School District employees.
10 This contact was limited to cordial, courteous and professional exchanges and
11 did not involve the disclosure of protected health information.

12 6. Mirror Lake Elementary School/Federal Way School District employees knew I
13 was affiliated with Valley Cities Counseling given the fact that I had previously
14 provided therapy services at the school itself for TR and continued to come to
15 the school to pick up TR once those services were provided in Valley Cities'
16 offices.

17 7. In the course of picking up TR at the Mirror Lake Elementary school, I would
18 sometimes exchange pleasantries or greetings with Mirror Lake Elementary
19 School teacher Christie Galinat. On occasion, Ms. Galinat would in a cheerful
20 and praiseworthy way say in TR's presence and in my presence something like
21 "Trevon's had a real good day," to which I would respond in a similarly cordial
22 and pleasant way "That's great," or "Yeah- he's really doing great." This type
23 of remark by me and by Ms. Galinat was in no way a disclosure of protected
24 health information regarding therapy being provided to TR nor a disclosure of
25 specific information regarding educational information but was simply two

DECLARATION OF CARLA CURIO - 2
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1 adults in the presence of a child saying positive uplifting remarks to the effect
2 that another human being, in this case a child was "doing good," or "doing
3 well."

4 8. Also, when picking up T.R. he would sometimes ask if his Mom would be
5 there, referring to Valley Cities and in the same affirming, positive way I would
6 say "Yeah," or "Yes she's going to be there." Similarly, under the same
7 circumstances TR might ask if we were going to play games and in the same,
8 positive affirming way I would respond where applicable, "yes." Again, I did
9 not in anyway consider these simple remarks by me in response to T.R.'s
10 questions to be in anyway a disclosure of protected health information.

11 9. Sometime in February or March of 2006, Ms. Galinat provided me as one
12 professional to another some generic materials she used involving the resolution
13 of conflict for elementary school students. These materials were not provided
14 by Ms. Galinat for T.R. but were given in the spirit of one professional sharing
15 with another professional material of general interest for those professionals
16 who interact with children as did both Galiant and myself.

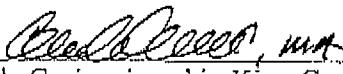
17 10. At all times in my interaction with T.R. and any personnel at Mirror Lake
18 Elementary School/Federal Way School District, I acted in a professional and
19 appropriate manner and at no time following Ms. Smith's written revocation of
20 the exchange of protected health information with the school district, did I
21 disclose any protected health information. I am aware of no other comments or
22 remarks that I made to any school personnel following the written revocation,
23 other than those I have referenced and discussed in this declaration, none of
24 which constituted the disclosure of protected health information.

25 DECLARATION OF CARLA CURIO - 3
CV06-1541-RSL

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2 Dated: June 6/28, 2007.
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5 Carla Curio, signed in King County, Seattle,
6 Washington
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DECLARATION OF CARLA CURIO - 4
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CERTIFICATE OF SERVICE

I, Gabrielle Gilchrist, hereby certify that, under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I electronically filed the defendant Valley City Counseling and Consultations' DECLARATION OF CARLA CURIO with the Clerk of the Court using the CM/ECF System which will send notification of such filing, as well as delivery via regular mail of the foregoing documents to counsel as follows:

Counsel for Plaintiffs:

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Dated: Gig Harbor, Washington June 28, 2007.

re 28, 2007.

Gabrielle Gilchrist
Legal Assistant
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DECLARATION OF CARLA CURIO - 5
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